

REMARKS

Upon entry of the present amendment, claim 1 will be amended, whereby claims 1-4 will remain pending. Claim 1 is the sole independent claim.

While not expressing agreement or acquiescence with the rejections of record, claim 1 has been amended to include that a surface of the other side of the deposited semiconductor layers is a light emitting surface which is not covered by transparent crystal substrate. Support for the amendment to claim 1 appears in Applicants' originally filed application including page 16, lines 8-14.

Entry of this amendment after final rejection is appropriate because it seeks to advance prosecution of the application by reducing the issues for appeal, and is advancing the application for allowance. Moreover, similar issues were considered by the Examiner in examining the claims prior to the present amendment relating to examining the recited alternative of there are no obstacles including obstacles comprising a sapphire substrate.

Reconsideration of the rejections of record and allowance of the application in view of the following remarks are respectfully requested.

Information Disclosure Statement

Applicants remind the Examiner that the initialed Form PTO-1449 attached to the August 20, 2008 Office Action is not completely initialed in that JP 2000-196197 is not initialed. As no explanation is provided for the lack of initialing, it is assumed that the lack of initialing was inadvertent. Applicants are therefore submitting another copy of the form and request that the Examiner forward a completely initialed copy with the next communication from the Patent and Trademark Office.

Response To Rejections

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,333,522 to Inoue et al. (hereinafter "Inoue").

Claim 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2003/0038294 to Sano (hereinafter "Sano").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of U.S. Patent No. 6,878,973 to Lowery et al. (hereinafter "Lowery").

In response to these grounds of rejection, Applicants submit that none of the documents of record teaches or suggests, as recited in Applicants' independent claim 1, a light-emitting device formed by depositing p-type and n-type nitride semiconductor layers, comprising:

deposited p-type and n-type nitride semiconductor layers;

semiconductor-surface-electrodes to apply currents into each of the semiconductor layers;

an insulating layer which holds the semiconductor layers, said insulating layer comprising two surfaces; and

mount-surface-electrodes provided on one surface of the insulating layer which is opposite to the other surface of the insulating layer where the semiconductor-surface-electrodes are made;

wherein one of the semiconductor layers has a non-deposited area where the other semiconductor layer is not deposited;

one of the semiconductor-surface-electrodes is built up on the surface of the non-deposited area;

vias are made in the insulating layer which electrically connect the semiconductor-surface-electrodes and the mount-surface-electrodes;

the semiconductor-surface-electrodes, the insulating layer, and the mount-surface-electrodes are built up in this order on one side of the deposited semiconductor layers; and

a surface of the other side of the deposited semiconductor layers is a light emitting surface which is not covered by transparent crystal substrate.

In contrast to the subject matter recited in independent claim 1, and further defined in the dependent claims, Inoue discloses, in Fig. 7B that a sapphire substrate 30 (as see column 16, line 47 and column 17, lines 22-28) is provided on a light extraction surface. Claim 1 includes amongst the features recited therein that a surface of the other side of the deposited semiconductor layers is a light emitting surface which is not covered by transparent crystal substrate. Accordingly, Inoue does not teach each and every feature recited in Applicants' claims whereby the anticipation rejection based upon Inoue is without appropriate basis, and should be withdrawn.

Regarding Sano, Applicants note that Sano discloses, as shown in Fig. 1, a "semiconductor laser", wherein a light-emitting direction is parallel to each layer and the light-emitting surface has no obstacles. To the contrary, Applicants' independent claim 1 includes, amongst the other features recited therein, a surface of the other side of the deposited semiconductor layers is a light emitting surface which is not covered by transparent crystal substrate. For example, the Examiner's attention is directed to Applicants' specification at page 7, lines 5-10, wherein it is disclosed that, "Furthermore, since the transparent crystal substrate is separated and removed, it is possible directly to extract light beams from the light emitting portion constituted by semiconductor layers. Thus this light-emitting device is excellent in both of mountability and light-emitting efficiency, and can be manufactured at low cost." Sano does

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not disclose a light-emitting device including such a feature whereby the rejection is without appropriate basis and should be withdrawn.

Regarding the obviousness rejection of claim 4, Lowery is merely utilized in the rejection in an attempt to establish obviousness of including phosphor on the surface of the semiconductor layer. However, whether or not one having ordinary skill in the art would have made the asserted combination of Inoue and Lowery, which Applicants submit would not have been made, such combination does not overcome the above-discussed differences over Inoue. Therefore, the rejection of claim 4 is without appropriate basis, and should be withdrawn.

Accordingly, each of the rejections of record should be withdrawn, and the application should be allowed

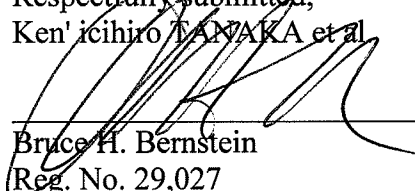
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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FORM PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. P29101	Application No. 10/565,601
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant Ken' ichiro TANAKA et al.	
		Filing Date January 24, 2006	Group Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6 3 3 3 5 2 2	12/25/01	INOUE et al.			
	2002 /	0 0 8 1 7 7 3	06/27/02	INOUE et al.			
	2002 /	0 0 2 4 0 5 3	02/28/02	INOUE et al.			
	2003 /	0 1 6 0 2 5 8	08/28/03	OOHATA			
	2005 /	0 1 8 6 7 6 3	08/25/05	OOHATA			
	2004 /	0 2 5 9 2 8 2	12/23/04	OOHATA			
	2005 /	0 0 1 2 1 0 9	01/20/05	KOHNO et al.			
		6 4 4 8 1 0 2	09/10/02	KNEISSL et al.			
		6 3 6 5 4 2 9	04/02/02	KNEISSL et al.			
		6 7 4 4 8 0 0	06/01/04	KNEISSL et al.			
	2004 /	0 1 0 5 4 7 1	06/03/04	KNEISSL et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
		0 9 2 1 5 7 7	06/09/99	E.P.O.				
	0 3	/ 0 4 4 8 7 2	05/30/03	W.I.P.O.				
		1 4 6 0 6 9 4	09/22/04	E.P.O.				
	2 0 0 0	- 1 9 6 1 9 7	07/14/00	JAPAN				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	Patent Abstract of Japan, Vol. 2000, No. 10, 17 November 2000.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.